

The City Attorney  
City of San Diego  
MEMORANDUM  
236-6220

DATE: February 12, 1986  
TO: George I. Loveland, Park & Recreation  
Director  
FROM: City Attorney  
SUBJECT: Playground Equipment - PSD Funds

In response to your memorandum of January 29, 1986, it is our conclusion that the use of park service district funds for the replacement of playground equipment is not a permissible use of those funds.

Park service district funds arise from the fees charged for building permits and subdivision maps pursuant to sections 96.0404 and 102.0406.06 of the San Diego Municipal Code. Each is limited to acquisition of land and construction of facilities. None addresses maintenance of the facilities. The situation is analogous to a similar situation which the attached memorandum dated February 24, 1983 addresses concerning purchase of energy efficient swimming pool pumps.

We therefore conclude that while such equipment could be purchased for the initial construction of the facility, the replacement of such items from the subject funds are not permissible.

JOHN W. WITT, City Attorney  
By  
Rudolf Hradecky  
Deputy City Attorney

RH:mem:263.20  
Attachment  
MS-86-1